

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NEWCO CAPITAL GROUP VI LLC,

Plaintiff,

- against -

ORDER

23-CV-329 (NRM) (LGD)

SIERRA SLOT SOURCE LLC, d/b/a Sierra
Slot Source; SIERRA SLOT SOURCE LLC;
SIERRA NEVADA GAMING, INC.;
CHILCOOT PROPERTIES, LLC; DUPONT
INVESTMENTS; DUPONT INVESTMENTS
LLC; NATIONAL FINANCIAL RECOVERY
LLC; WEEKLY GRIND CAFE LLC;
NORTHWEST DEVELOPMENT LLC;
DONALD FRED DUPONT JR; and SURESH
SUBBURAJ NAIDU,

Defendants.

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NINA R. MORRISON, United States District Judge:

On January 18, 2023, Suresh Subburaj Naidu (“Naidu”) and Donald Fred Dupont Jr. (“Dupont”), each appearing *pro se*, filed a Notice of Removal purporting to remove a civil action that had been filed in the Supreme Court of the State of New York, County of Nassau, under Index No. 609494/2022. ECF No. 1. They did not pay the requisite filing fee to commence this action. On February 9, 2023, the Court sent letters to Naidu and Dupont notifying them of this deficiency and explaining that, if they wished to proceed with the action, they must either pay the filing fee or each submit applications requesting *in forma pauperis* status within 14 days. ECF No. 2 and 3. More than 14 days have elapsed, and the Court has not received any response from Naidu and Dupont.

If they wish to proceed, the moving parties must either pay the \$402 fee to the Clerk of Court of the Eastern District of New York or each submit an IFP application that includes a statement of assets and affirms that they are unable to pay the filing fee.¹ If Naidu and Dupont fail to submit completed applications to proceed IFP or to remit the filing fee within the time allowed, the action shall be remanded. If the parties pay the filing fee or submit adequate applications to proceed IFP, then the Court will review the “Notice of Removal” to determine if the underlying action is removable pursuant to the requirements of the Removal Statute, 28 U.S.C. §§ 1441-1448.²

The Clerk of Court is respectfully directed to send a copy of this Order to Naidu and Dupont at the addresses provided.

SO ORDERED.

/s/ NRM
NINA R. MORRISON
United States District Judge

Dated: April 3, 2023
Brooklyn, New York

¹ An IFP form is available at <https://www.uscourts.gov/forms/fee-waiver-application-forms/application-proceed-district-court-without-prepaying-fees-or>.

² Naidu recently filed a separate Notice of Removal for a civil case in the New York State Court, County of Kings, that this Court remanded to state court because it was defective under 28 U.S.C. § 1446. *See Avion Funding v. Sierra Slot Source LLC, et al.*, 23-CV-547 (NRM)(LGD) (E.D.N.Y.), remand order entered Feb. 21, 2023.